

REMARKS/ARGUMENTS

The Examiner required restriction to one of the following Groups

Group I, Claims 1-8 and 11-24, drawn to a process for controlled radical homopolymerization and a polymer of acrylic acid and of its salts;

Group II, Claims 9-10, drawn to a hydrosoluble transfer agent.

Applicants provisionally elect with traverse Group II.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E.P. 803). The burden of proof is on the Examiner to provide reason and/or example to support any conclusion that the claims of the restricted groups are patentably distinct. Restriction between a product and a process for its production is proper when the product can be produced by another method. Applicants respectfully traverse the restriction requirement on the ground that the Examiner has not provided sufficient reason and/or examples to support patentable distinctions. Product and process for making said product are interdependent and should be examined together on the merits, especially wherein the sole disclosed utility of the product is that recited in the specification. Different classification of subject matter to be divided is not conclusive proof of independent status and divisibility. Composition and method for making are considered related inventions under 37 C.F.R. § 1.475(b), and unity of invention between the groups exists.

Applicants respectfully traverse on the additional grounds that the Office has not shown that a burden exists in searching the entire application.

Further the M.P.E.P. §803 states as follows:

“If a search and examination of an entire application can be made without a serious burden, the Examiners must examine it on its merits even if it includes claims to distinct and independent inventions.”

Applicants submit that a search of all claims would not constitute a serious burden on the Office. In fact the International Search Authority has searched all of the claims together. As the Office has not shown any evidence that restriction should now be made when the International Preliminary Examination Report did not, the restriction is believed to be improper. 37 C.F.R. § 1.475(b) provides in relevant part, that "a national stage application containing claims to different categories of inventions will be considered to have unity of invention if the claims are drawn to...(3) A product, process especially adapted for the manufacture of said product, and a use of said product." In the instant application Claims 1-8 and 11-24 are directed to a process and Claims 9-10 are directed to a composition. The claims are integrally linked and collectively constitute a single invention.

For the reasons set forth above, Applicants request that the Requirement be withdrawn.

Applicants request that if the claims of Group I are found allowable, withdrawn Group II (which includes all the limitations of the allowable claims) be rejoined.

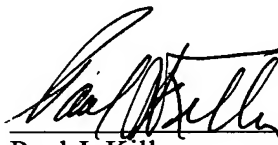
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